

(1390 REV. 5-93) US DEPT. OF COMMERCE PATENT & TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER 10304
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (if known, sec 37 C.F.R.1.5) 09/319,156
INTERNATIONAL APPLICATION NO. PCT/FR98/01460	INTERNATIONAL FILING DATE July 7, 1998	PRIORITY DATE CLAIMED July 7, 1997
TITLE OF INVENTION RETROVIRAL NUCLEIC MATERIAL AND NUCLEOTIDE FRAGMENTS, IN PARTICULAR ASSOCIATED WITH MULTIPLE SCLEROSIS AND/OR RHEUMATOID ARTHRITIS, FOR DIAGNOSTIC, PROPHYLACTIC AND THERAPEUTIC USES		
APPLICANT(S) FOR DO/EO/US Glaucia PARANHOS-BACCALA, Florence KOMURIAN-PRADEL, Frederic BEDIN, Mireille SODOYER, Catherine OTT, Francois MALLET, Herve PERRON and Bernard MANDRAND		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.		
2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.		
3. <input type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).		
4. <input checked="" type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.		
5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> has been transmitted by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US) 		
6. <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)).		
7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ul style="list-style-type: none"> a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> have been transmitted by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 		
8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).		
9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).		
10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).		
Items 11. to 16. below concern other document(s) or information included:		
11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.		
12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.		
13. <input type="checkbox"/> A FIRST preliminary amendment.		
<input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.		
14. <input type="checkbox"/> A substitute specification.		
15. <input type="checkbox"/> A small entity statement.		
16. <input checked="" type="checkbox"/> Other items or information: Response to Notif. of Missing Rqmts. w/Copy of Notif. of Missing Rqmts.		

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5) 09/319,156		INTERNATIONAL APPLICATION NO. PCT/FR98/01460		ATTORNEY'S DOCKET NUMBER 103514	
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17. <input type="checkbox"/> The following fees are submitted: <div style="margin-left: 20px;"> Basic National fee (37 CFR 1.492(a)(1)-(5)): Search Report has been prepared by the EPO or JPO.....\$840.00 International preliminary examination fee paid to USPTO (37 CFR 1.482).....\$670.00 No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)).....\$760.00 Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....\$970.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4).....\$ 96.00 <div style="text-align: right;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div> </div>				CALCULATIONS		PTO USE ONLY																																																													
<div style="margin-left: 20px;"> Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)). </div> <table border="1" style="width:100%; border-collapse: collapse; margin-top: 10px;"> <tr> <th style="width:20%;">Claims</th> <th style="width:20%;">Number Filed</th> <th style="width:10%;">Number Extra</th> <th style="width:10%;">Rate</th> <th style="width:10%;"></th> <th style="width:10%;"></th> </tr> <tr> <td>Total Claims</td> <td style="text-align: center;">- 20 =</td> <td></td> <td>X \$ 18.00</td> <td>\$</td> <td></td> </tr> <tr> <td>Independent Claims</td> <td style="text-align: center;">- 3 =</td> <td></td> <td>X \$ 78.00</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="3">Multiple dependent claim(s)(if applicable)</td> <td>+ \$260.00</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;">TOTAL OF ABOVE CALCULATIONS =</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="4">Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;">SUBTOTAL =</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="4">Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 month from the earliest claimed priority date (37 CFR 1.492(f)).</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;">TOTAL NATIONAL FEE =</td> <td>\$</td> <td></td> </tr> </table>				Claims	Number Filed	Number Extra	Rate			Total Claims	- 20 =		X \$ 18.00	\$		Independent Claims	- 3 =		X \$ 78.00	\$		Multiple dependent claim(s)(if applicable)			+ \$260.00	\$		TOTAL OF ABOVE CALCULATIONS =				\$		Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).				\$		SUBTOTAL =				\$		Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 month from the earliest claimed priority date (37 CFR 1.492(f)).				\$		TOTAL NATIONAL FEE =				\$		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;"></td> <td style="width:50%; text-align: right;">Amount to be refunded</td> <td style="width:50%;"></td> <td style="width:50%; text-align: right;">\$</td> </tr> <tr> <td></td> <td style="text-align: right;">Charged</td> <td></td> <td style="text-align: right;">\$</td> </tr> </table>			Amount to be refunded		\$		Charged		\$
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a. ☐ Check No. _____ in the amount of \$_____ to cover the above fees is enclosed.
 b. ☐ Please charge my Deposit Account No. _____ in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed.
 c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 15-0461. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

OLIFF & BERRIDGE, PLC
 P.O. Box 19928
 Alexandria, Virginia 22320

(NAME: William P. Berridge
 REGISTRATION NUMBER: 30,024

 NAME: Melanie L. Mealy
 REGISTRATION NUMBER: 40,085)

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#3

In re the Application of

Glauca PARANHOS-BACCALA et al.

Attn: PCT Branch

Application No.: 09/319,156

Docket No.: 103514

Filed: November 2, 1999

For: RETROVIRAL NUCLEIC MATERIAL AND NUCLEOTIDE FRAGMENTS, IN
PARTICULAR ASSOCIATED WITH MULTIPLE SCLEROSIS AND/OR
RHEUMATOID ARTHRITIS, FOR DIAGNOSTIC, PROPHYLACTIC AND
THERAPEUTIC USES

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371 IN THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
WITH DECLARATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

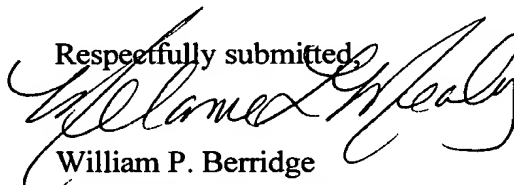
In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (copy attached) mailed on July 15, 1999, submitted herewith is the executed Declaration of the inventor(s). Any specification attached to and referenced in the Declaration is a copy of the specification and any amendments thereto which were filed in the Office in order to obtain a filing date for the application.

Entry of these documents should complete all of the filing formalities and fully satisfy all requirements of the Notification of Missing Requirements. Accordingly, prompt issuance of a Notification of Acceptance and Official Filing Receipt, and prompt examination and allowance of this application are respectfully solicited.

The Declaration is being submitted within 30 months from the priority date. Therefore, no surcharge for filing the Declaration is due. In addition, this Response is being filed within 31 months from the priority date. Therefore, no extension of time is needed.

The Commissioner is hereby authorized to charge any additional fee (or credit any overpayment) associated with this communication to Deposit Account No. 15-0461. Two duplicate copies of this paper are attached.

Respectfully submitted,


William P. Berridge
Registration No. 30,024

WPB:MLM/jca

Melanie L. Mealy
Registration No. 40,085

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE
AUTHORIZATION
Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461

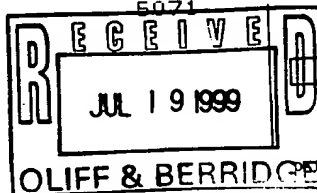
09/319156



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

U.S. APPLICATION NO. 197319156 FIRST NAMED APPLICANT PARAHNOS BACCALA ATTY. DOCKET NO. 103514

OLIFF & BERRIDGE
PO BOX 19928
ALEXANDRIA VA 22320



INTERNATIONAL APPLICATION NO. PCT/FR98/01460

I.A. FILING DATE 07/07/98 PRIORITY DATE 07/07/97

07/15/99

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as
- ☐ a Designated Office (37 CFR 1.494),
 - ☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☒ a non-English language.
☐ English.

☒ Translation of the international application into English.

☐ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☐ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed 6.2.99 and _____

☒ Information Disclosure Statement(s) filed 6.2.99 and _____

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed _____

☐ Statement Claiming Small Entity Status.

☐ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Barbara Campbell
National Stage Processing
Telephone: (703) 305-3531

By [Signature] on 7-19 19 99

COPY

August 15, 1999
Missing Parts